

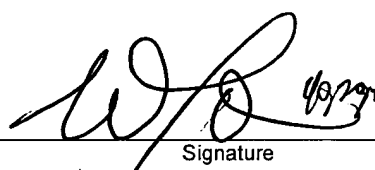
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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) SON-2842
	Application Number 10/526,490-Conf. #7483	Filed March 4, 2005
	First Named Inventor Takashi AOKI, et al.	
	Art Unit 2624	Examiner N. Bitar
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant /inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number 24,104 / 40,290</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</p> <p> _____ Signature Ronald P. Kananen / Christopher M. Tobin Typed or printed name</p> <p>_____ (202) 955-3750 Telephone number _____ September 23, 2008 Date</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of 1 forms are submitted.</p>		



Docket No.: SON-2842
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Takashi AOKI, et al.

Application No.: 10/526,490

Confirmation No.: 7483

Filed: March 4, 2005

Art Unit: 2624

For: IMAGE PROCESSING APPARATUS AND
IMAGE PROCESSING METHOD

Examiner: N. Bitar

REQUEST FOR PRE-APPEAL BRIEF PANEL REVIEW OF FINAL REJECTION

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

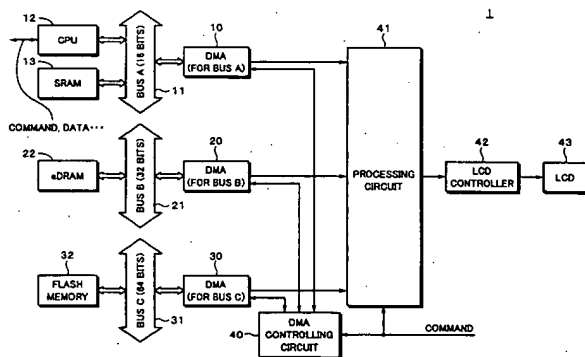
Dear Sir:

This is a full and timely response to the Advisory Action mailed on August 23, 2008. Furthermore, Appellant notes that *two petitions are currently pending* with respect to the present application, under 37 C.F.R. § 1.181 and 37 C.F.R. § 1.114.

The rejections found within the Final Office Action are traversed at least for the following reasons, discussed below:

Claims 1-6 have been rejected under 35 U.S.C. § 102 over U.S. Patent No. 4,907,283 to Tanaka et al. (“Tanaka”).

With respect to claim 1, Tanaka fails to teach or suggest “*when a part of image data stored in the memory is trimmed, the controlling means is configured to control the image data reading means so as to read the image data for each column at a time from the memory.*”



example embodiment of the present invention.

Processing circuit 41 directly receives data via the plurality of DMA devices (10, 20, 30) and busses (11, 21, 31). The DMA controller 40 acts as a gateway to the various memories (13, 22, 32). To access a trimmed image, the processor circuit 41

issues a command to DMA controller 41 indicating the location of the trimmed image within the original image. In response, the DMA controller 40 issues a series of DMA commands to DMAs (10, 20, 30) to retrieve only the desired portion of the original image one pixel column at a time, without including any undesired portion of the original image.

Page 3 of the Office Action rejects this portion of claim 1 by referring to the image data in Image Memory 101, and later by citing to the image data in the Character Information Table 103.

Tanaka does not disclose how the image data in the image memory is read. Tanaka only discloses that the image data is trimmed and used to create heuristic image character data (i.e., the x-y corner, width, height, degenerate code) stored as a table. While Tanaka discloses that abstract data is stored in a table, Tanaka does not disclose how the data is written or read from memory.

The Office Action responds that:

Applicant argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies "how the image data in the image memory is read" are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim 1 recites "*wherein when a part of image data stored in the memory is trimmed, the controlling means is configured to control the image data reading means so as to read the image data for each column at a time from the memory.*" Therefore, claim 1 clearly states that the image from the memory is read by the column.

Tanaka does not teach or suggest that the image data is read from the memory "*each column at a time.*" All that Tanaka discloses is that the image data is read and heuristics are formed based on the image data. While the various columns of Table 103 disclose information pertaining to the data, there is no discussion in Tanaka of how the image data is actually read from memory.

Claim interpretation requires that all elements of a claim be present to reject that claim.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

"The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

While the Office Action correctly states that “claims are interpreted in light of the specification, limitations from the specification are not read into the claims,” the Office Action cannot simply ignore elements of the claims. Unless the Office Action can cite to a specific portion of Tanaka where image data is read from memory “*each column at a time*,” then the rejection must be withdrawn.

The Office Action confuses the term “image data” in the claims. In setting forth the rejection, the Office Action refers to “image data” as the image in the image memory 101, and then refers to “image data” as the character heuristics in the information table.

However, claim 1 is clearly referring to the same “image data” element when reciting the terms “*an image data*” and “*the image data*.” Therefore, the rejection set forth on Page 3, which uses two different data sets in Tanaka to reject the same “*image data*” in claim 1, confuses and incorrectly rejects the “image data” recited in claim 1 on two different pieces of data.

The Office Action responds that:

Finally, Applicant argument that the office action confuses the term in the claims as the data in the image memory 101 and then refers to image data as the character heuristics in the information table. It is true that Tanaka discloses the image data in two different parts since each item area and the corresponding main body page describing the content of the item area are recognized from a page image of the table of contents or index in a document, and the recognized data are stored in a table therefore the image data that are read are stored in a memory so the converted data are the same as the original data but has different codes (see figures 4A and 4B)...

In response, the Office Action has not addressed the issue presented. While the claims identify a single image data that is read and trimmed, the Office Action cites to two different sets of data to reject the same element. While the Office Action contends that this is the same data, this is

clearly not that case. The image itself is clearly separate from the heuristic information extracted from the image data and used to form Table 103.

Furthermore, the claims clearly treat the recited "image data" as the same element that is read out "*each column at a time*." By citing to different data sources, the Office Action ignores the language of the claim. The closest that Tanaka comes to reading image data "a column at a time" is by the suggestion posed by the Office Action that the table 103 is somehow read "a column at a time" by virtue of being a Table. This position distorts the clear meaning of the claim in order to reject the claims over the Tanaka reference.

Accordingly, Tanaka fails teach or suggest various features of claim 1. For similar reasons, Tanaka also fails to teach various features of claim 5. Furthermore, at least for the reason disclosed above, claims 2-4 and 6 overcome Tanaka because they depend on independent claims 1 and 5.

Accordingly, Applicant respectfully requests that the rejection of claims 1-6 under 35 U.S.C. § 102 be withdrawn.

Dated: September 23, 2008

Respectfully submitted,

By  40,290

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